



CITY OF MEMPHIS

COUNCIL AGENDA

March 1, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 15, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING (none)

ZONING ORDINANCES - FIRST READING (none)

ZONING ORDINANCES - SECOND READING

1. **ORDINANCE** rezoning the northwest corner of Brunswick Road & Phillip Road, containing 5.08 acres in the Agricultural (AG) District, up for **S E C O N D** reading.
Peete Ordinance No. 5094
Case No. Z 04-127cc

Applicant: Artis Parker
Doveland Bldg. & Eng. Co. – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: **APPROVAL**, of Neighborhood Commercial (C-N) District

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** rezoning the West side of Pisgah Road; +/-4,323 feet south of Latting Road, containing 2.02 acres in the Agricultural (AG) District, up for **S E C O N D** reading.
Peete Ordinance No. 5095
Case No. Z 04-142cc

Applicant: Erric P. Little
Erric P. Little – Representative

Request: Single Family Residential (R-S15) District

LUCB and OPD recommendation: **APPROVAL**, of the Single Family residential (R-S15) District

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

3. RESOLUTION accepting AFTON GROVE P.D., PHASES II-A and II-B and authorizing release of bond.

Case No. PD 01-319cc
(Contract No. CR-4828)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Rocky Point Road along Acadia Place and Afton Grove Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$100,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting WEST MASSEY ROAD IMPROVEMENT (LAUSANNE SCHOOL) and authorizing release of bond.

(Contract No. CR-4846)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of West Massey Road, between Lendenwood Road and Ronald Road. The standard improvement contract was approved on January 6, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$39,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving final plat of JESUS PEOPLE CHURCH SUBDIVISION, SECTION A.

Case No. S 04-052

Resolution approves the final plat located on the east side of Hickory Hill Road, north of Valleydale Drive. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting WHITTEN ROAD COMMERCIAL PD, PHASE 1 and authorizing release of bond.

Case No. PD 03-347
(Contract No. CR-4862)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Whitten Road, 320.57 feet north of Hillshire Drive. The standard improvement contract was approved on April 27, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$179,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

7. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 99-335 – Highland/Central Planned Development

Located on the westside of South Highland Street, 299 feet south of Central Avenue.

Appellant: East Buntyn Historic District Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on January 13, 2005 in which the Board granted the Highland Street Church of Christ a one-year time extension for the previously approved planned development which permits 107 multi-family units and two lots for single-family homes

LUCB and OPD recommendation: APPROVAL of Time Extension

B. Case No. PD 01-306 – County Gate Planned Development

Located on the north side of Winchester Road, 510 feet west of Hacks Cross Road

Appellant: Kroger Limited Partnership I

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 1/13/05 in which the Board rejected a proposed site plan for Kroger Fuel Center to be located in front of an existing Kroger Grocery Store

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

C. Case No. PD 04-379 – Riveredge Planned Development

Located on the northeast corner of Walnut Grove Road and Forest Hill-Irene Road, containing 8.69 acres in the Multiple Dwelling Residential (R-ML) District

Applicant: Boyle Investment Company
Homer Branan, III – Representative

Request: Planned development to allow office and limited retail commercial uses in accordance with the Planned Commercial (C-P) District within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-380

Located on the southeast corner of Kate Bond and Reese Road; north of I-240, containing 8.63 acres in Area B of the Kate Bond Planned Development (PD 04-345)

Applicant: William H. Thomas, Jr.
ETI (Dan Graddy) – Representative

Request: Amend Area B to permit two off-premise signs

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

E. Case No. PD 04-381cc – Lost Creek Planned Development

Located on western terminus of Dexter Grove Drive; +277.53 feet west of Applying Road, containing 15 acres in the Agricultural (AG) District

Applicant: TR, LLC
Al Yearwood/Terry Dan – Representatives

Request: A maximum of 92 Lots (Minimum Lot Size 4,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. PD 04-382

Located on the southwest corner of Central Avenue and Rozelle Street, containing 0.642 acre in the Single Family Residential Historical Conservation (R-S8[HC]) District

Applicant: Patrick McDowell

Request: One single family home in the Single Family Residential Historical Conservation (R-S8[HC]) District

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. PD 04-385 – Appling Farms Business Park
(Formerly Whitten Business Park – PD 94-350cc)

Located on the northwest corner of Appling Road and Interstate Highway 40, containing 93.85 acres in an existing planned development – Whitten Business Park PD (PD 94-350cc)

Applicant: Belz Investco, GP
Ron Harkavy – Representative

Request: Amend the PD to 1) Amend Area A to include Office/Warehouse
2) Create a new Area D to permit commercial uses 3) Amend Area C to permit business park uses 4) Change the name from Whitten Business Park to Appling Farms Business Park

LUCB and OPD recommendation: APPROVAL with conditions

H. Case No. PD 04-386

Located on the southeast corner of Morning Sun Road and U.S. Highway 64, containing 1.918 acres in the Agricultural (AG) District

Applicant: PPM Realty
SR Consulting, LLC – Representative

Request: Planned Commercial (C-P) uses within a specific outline plan

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SAC 03-605 – Provine Avenue Alley

Beginning approximately 143.88' north of Alston Avenue and 330 feet west of Porter Street and proceeding westerly 225 feet therefrom

Applicant: New Mount Olive M.D. Church
McCaskill & Associates (Tim McCaskill) – Representative

Request: Close Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

J. Case No. SAC 04-625 – Sevier Street

Beginning on the south line of Oakley Avenue and proceeding southwardly 206 feet therefrom, containing 0.26 acre

Applicant: Rick Vollmer & John Hurdle
Davis Engineering Company, Inc. – Representative

Request: Close Partial Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

K. Case No. SAC 04-623 – Kansas Street Alley Closure – 1

Located between Georgia Avenue and west Carolina Avenue; +/-287.5 feet east of Kansas Street, containing 4,269 square feet in the Bluffview Residential (R-B) District

Applicant: Southland Development Partners of Memphis
W. H. Porter Consultants, PLLL – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

L. Case No. SAC 04-624 – Kansas Street Alley Closure – 2

Located between Georgia Avenue and west Carolina Street; +/-200 feet west of Florida Street, containing 4,269 square feet in the Bluffview Residential (R-B) District

Applicant: Southland Development Partners of Memphis
W. H. Porter Consultants, PLLL – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

M. Case No. SUP 04-226

Located on the southwest corner of Point Church Road and Ardmore Street, containing 2.04 acres in the Single Family Residential (R-S6) District

Applicant: Behavioral Health Initiatives, Inc.
Chere'Bradshaw (BHI – Memphis) – Representative

Request: Transitional Home

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 15, 2005

GENERAL ITEMS

8. RESOLUTION approving temporary street structures on March 19, 2005 from 7:30 a.m. to 9:00 a.m. for the 12th Annual 5K Run – Banner for Christ Methodist.

Sammons

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION honoring Ms. Harry Mae Simon.

Hooks

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION honoring Ms. Jacquelyn B. Sales.

Hooks

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving an honorary street name change for Reverend Rogers Pruitt.

Hooks

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving an honorary street name change for Dr. Adrian P. Rogers.

Jones

ACTION REQUESTED: Adopt the resolution



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

30. RESOLUTION proclaiming Friday, January 28, 2005 as "Benjamin L. Hooks Day.",
Hooks (Held from 2/1)

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES - THIRD AND FINAL READING

31. **ORDINANCE** to amend Chapter 15, Section 1-5, Code of Ordinances, City of Memphis to provide for the disposal of personal property discarded onto City right-of-ways, easements or property owned or maintained by the City after an eviction or setout and the disposal of personal property abandoned or left on premises, up for T H I R D and F I N A L reading. (Held from 2/1)

Holt

Ordinance No. 5091

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to amend Chapter 18, Article II, to reflect current changes in the structure and operations of the Memphis and Shelby County Public Library and Information Center, up for T H I R D and F I N A L reading.

Taylor

Ordinance No. 5093

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

33. RESOLUTION appropriating \$500,000.00 funded by G.O. Bonds General to CIP Project Number GA03004, Transit Centers, to fund the 10% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget.

Hooks

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation of \$14,000.00 funded by G.O. Bonds from CIP Project Number GA03013, Repave Parking Lot, to CIP Project Number GA03011, Paratransit Buses and appropriate \$130,000.00 funded by G.O. Bonds General to CIP Project Number GA03011, Paratransit Buses, to fund the 11.5% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget.

Hooks

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

35. RESOLUTION approving purchase of easement from Iska Taylor Duke, Donna Lynn Duke-Orner and Dale Duke Crenshaw, located on the northwest side of Austin Peay Highway and southwestwardly of the south line of Millington-Arlington Road, for the sum of \$45,083.18.

Brown

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving purchase of property from Iska Taylor Duke, Donna Lynn Duke-Orner and Dale Duke Crenshaw, located south of the intersection of Donnell Road and Austin Peay Highway, for the sum of \$247,200.00.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

37. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$52,701.00 in Sewer Funds from Rehabilitation of Existing Sewers, Project Number SW02001 to Forrest Avenue Sewer Replacement, Project Number SW02056 for construction contract with Ensco, LLC.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$125,000.00 in G.O. Bonds from Riverfront Development Park Improvements, Project Number GA01003 to Tom Lee Memorial, Project Number GA01006 for a construction contract with Riverfront Development Corporation.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

39. **ORDINANCE** rezoning Looney Avenue and Saffarans Avenue, containing 2.051 acres in the Mixed Use (MU) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5092
Case No. Z 04-140

Applicant: Memphis Land Bank
SR Consulting LLC Cindy Reaves

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

DIVISION OF PLANNING & DEVELOPMENT

40. RESOLUTION approving a special use permit located on the southeast corner of Winchester Road and Tchulahoma Road, containing 0.55 acre in the Local Commercial (C-L) District. (Held from 2/15)

Peete

Case No. SUP 04-221

Applicant: Tahseen Ali Hamade

Request: Motor Vehicle Sales/Service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD the case

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

41. RESOLUTION approving a planned development located on the east side of Gray's Creek Drive; +/-372 feet south of U.S. Highway 64, containing 7.64 acres and is currently governed by Gray's Creek Business Park Planned Development, 2nd Amendment (P.D. 03-314) and the Agricultural (AG) District.

Peete

Case No. PD 04-364

Applicant: Lawrence Tile & Marble
Davis Engineering Co., Inc. – Representative

Request: Planned development amendment to add three (3) acres to Outline Plan to Create Area 'A-3' to allow Planned Commercial (C-P) District uses, including a contractor's office with outdoor storage yard within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

20 NOTICES MAILED ON FEBRUARY 18, 2005

42. RESOLUTION approving a planned development located on the south side of Western Park Drive; +633 feet east of S. Third Street, containing 21.4 acres in the Single Family Residential (R-S6) District.

Peete

Case No. PD 04-373

Applicant: Southwest Community Development Corporation
Dickinson & Bennett, Inc. – Representative

Request: A residential planned development containing single family and multi-family residential units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES MAILED ON FEBRUARY 18, 2005

43. RESOLUTION approving a planned development located on the northeast corner of Knight Arnold Road and Ridgeway Road, containing 5.65 acres and is Parcel 5 of The Arbors at Hickory Ridge Planned Development (P.D. 87-342cc).

Peete

Case No. PD 04-377

Applicant: T M Jacks
Guy Payne – Representative

Request: Amend the conditions to regulate Parcel 5 by the Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON FEBRUARY 18, 2005

44. RESOLUTION approving a planned development located on the southwest corner of Dunn Avenue and Airways Boulevard, containing 403.19 acres in the Light Industrial (I-L) District.

Peete

Case No. PD 04-378

Applicant: Depot Redevelopment Corporation
Jim Covington, President
Jim Dugan, Dugan Design Group, Inc. – Representative

Request: Industrial warehouse and limited commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

320 NOTICES MAILED ON FEBRUARY 18, 2005

45. RESOLUTION approving an appeal located on the southeast corner of S. Mendenhall Road and Shady Grove Road, containing 1.0 acre in the Single Family Dwelling – Single Family Residential (R-S10) District.

Peete

Case No. S 04-070

Appellant: Elizabeth S. Norman/SR Consulting, LLC (Cindy Reaves)

Request: Three (3) Lot Preliminary Plat
Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision where the applicant requested a three (3) lot subdivision located 230 Mendenhall Road.

LUCB and OPD recommendation: APPROVAL of two (2) lots subject four (4) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

10 NOTICES MAILED ON FEBRUARY 18, 2005

46. RESOLUTION approving a street/alley closure located on the east side of Lamar Avenue (U.S. Highway 78); +800 feet north of Southwall Road, containing 10628 Sq. Ft. = 0.243 acre, in the Highway Commercial (C-H) District.

Peete

Case No. SAC 04-617

Applicant: Lamar South, LLC
Fisher & Arnold, Inc. – Representative

Request: Close & Vacate Road Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

38 NOTICES MAILED ON FEBRUARY 18, 2005

47. RESOLUTION approving a use variance located on the north side of Little Weaver Lane; beginning 600 +feet east of Weaver Road, containing 0.615 acre in the Residence/Single Family Residential (R-S6) District.

Peete

Case No. UV 04-04

Applicant: Joseph Smith, Jr.

Request: Motor Vehicle Service

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES MAILED ON FEBRUARY 18, 2005

GENERAL ITEM

ADJOURNMENT



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FISCAL CONSENT

EXECUTIVE DIVISION

13. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring and allocation of \$25,000.00 funded by G.O. Bonds General from CIP Project Number GA03013, Repave Parking Lot, to CIP Project Number GA03010, Computer Hardware and Software and appropriate \$25,000.00 funded by G.O. Bonds General to CIP Project Number GA03010, Computer Hardware and Software, to fund the 10% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget.

Hooks

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION appropriating \$5,000.00 funded by G.O. Bonds General to CIP Project Number GA03021, Regional Rail Plan, to fund the 10% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget.

Hooks

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION appropriating \$20,000.00 funded by G.O. Bonds General to CIP Project Number GA03022, Advanced Public Transportation Systems, to fund the 10% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget.

Hooks

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

16. RESOLUTION appropriating \$25,000.00 in G.O. Bond Funds for Overton Crossing/Hawkins Mill, Project Number PW01002 for the removal of underground tank by Envirom, Inc.

Hooks

Director of Public Works and City Engineer recommend s approval

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

17. RESOLUTION awarding Contract No. 11029, Variable Frequency Drive Replacement at Lichterman, to Tri-State Armature and Electrical Works, Inc. in the funded amount of \$126,001.
18. RESOLUTION approving the 2005 payment to the Memphis and Shelby County Health Department for ground water protection activities under Contract No. 9955, in the amount of \$137,788.20.
19. RESOLUTION approving Expedited Procurement Request for Change No. 6 to Contract No. 10621, Line Clearance, with Blume Tree Services in an estimated/funded amount of \$500,000, with no increase in present contract rates. (This extends the contract not to exceed 60 days beginning March 1, 2005. The current contract expires February 28, 2005, for the fourth and final term before a new contract can be implemented.)
20. RESOLUTION approving Expedited Procurement Request for Change No. 8 to Contract No. 10634, Security Services, with CDA, Inc. in an estimated/funded amount of \$902,096. (This covers unbudgeted expenditures for December 2004 and January-March 2005, associated with Water Pumping Station security and Code Orange.)
21. RESOLUTION approving Change No. 1 to Contract No. 10962, Painting of Fire Storage Tank, with Aetna Coatings, Inc. in the funded amount of \$30,150. (This covers equipment down time and mobilization costs.)
22. RESOLUTION awarding contract for network transformers and protectors as follows:

Carte International, Inc.....	\$83,922.00
Central Moloney, Inc.....	61,124.00
Utilicor.....	78,120.00
ACF Associates/Eaton Electric.....	65,298.00
Richards Manufacturing Company Sales, Inc.....	<u>54,296.00</u>
	\$342,760.00
23. RESOLUTION extending contract for enrollment in the State of Tennessee Select Agreement for Microsoft products with Software Plus in the amount of \$138,754.56.
24. RESOLUTION awarding 36-month contract for office supplies to Corporate Express in the amount of \$645,711.86.
25. RESOLUTION awarding contract for single-phase reclosers to Tennessee Valley Electric Supply Company in the amount of \$41,775.
26. RESOLUTION awarding contract for 600-volt EPR cable to Tennessee Valley Electric Supply Company in the amount of \$2,073,030.
27. RESOLUTION awarding contract for 60' boom lift to United Rentals, Inc. in the amount of \$87,254.
28. RESOLUTION awarding contract for utility bodies to Scruggs Equipment Company, Inc. in the amount of \$128,000.
29. RESOLUTION awarding Contract No. 11035, Emergency Electric System Support, to Dillard Smith Construction Company in the funded amount not to exceed \$595,000.